

FEB 06 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *H. McDonald*  
DEPUTY CLERK

PERSHING SCOTT KENNEDY, )  
                                )  
Plaintiff,                 ) Civil Action No. 7:19cv00662  
                                )  
v.                            ) **MEMORANDUM OPINION**  
                                )  
SWVRJA, et al.,         )  
                                )  
Defendants.                )

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Plaintiff Pershing Scott Kennedy, proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983. By orders entered October 1 and 18, 2019, the court conditionally filed this action and advised Kennedy that he must notify the court in writing immediately upon his transfer or release and must provide the court with a new address. [See ECF Nos. 3 and 5.] The court warned Kennedy that failure to notify the court of a change of address would result in dismissal of the case. [Id.] On November 8, 2019, Kennedy wrote the court and advised of a future change of address. [See ECF No. 10.] The court responded to the letter and advised Kennedy that the court does not accept future changes of address. [See ECF No. 11.] The court's letter came back as undeliverable, with no forwarding address. [See ECF No. 12.] Thereafter, the court mailed an order directing Kennedy at his address of record as well as to the future address noted in his November 8, 2019 letter. [See ECF No. 13.] The mail sent to his address of record, the regional jail, was returned as undeliverable. [See ECF No. 14.]

The mail sent to Kennedy's future address was not returned to the court. However, the order directed Kennedy to respond within ten days. The time to respond has now passed and Kennedy has not filed any response. Accordingly, I will dismiss Kennedy's complaint without prejudice, for failure to comply with the court's order. Kennedy is advised that he may refile his claims in a separate action, subject to the applicable statute of limitations.

ENTERED this 6<sup>th</sup> day of February, 2020.

Jackson L. Tigar  
SENIOR UNITED STATES DISTRICT JUDGE